



**State of New Jersey  
Council on Affordable Housing**

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**JON S. CORZINE**  
Governor

**JOSEPH V. DORIA, JR.**  
Commissioner

**LUCY VANDENBERG**  
Executive Director

November 14, 2008

Dear Mayor:

On October 31, 2008, the Council on Affordable Housing (COAH) and the Highlands Water Protection and Planning Council (Highlands Council) sent you a joint letter outlining the impact of Executive Order 114 on Highlands Region municipalities. That letter also provided information regarding the memorandum of understanding (MOU) between COAH and the Highlands Council and, in keeping with the Governor's Executive Order, described a process by which Highlands municipalities under COAH's jurisdiction seeking to conform to the Regional Master Plan could seek an extension of COAH's third round deadline until December 8, 2009.

In furtherance of the MOU, COAH adopted the attached resolution at its November 12, 2008 meeting. This resolution provides Highlands municipalities currently under COAH's jurisdiction an extension of COAH's December 31, 2008 deadline to December 8, 2009 upon the submission of the resolutions described below. This extended deadline coincides with the Highlands Council plan conformance deadline for municipalities with lands in the Preservation Area and provides for a coordinated planning effort. Simultaneously, the Highlands Council will be developing adjusted growth projections consistent with the Highlands Regional Master Plan for municipalities to use in their COAH plan submissions.

**Extension of Time to Submit COAH Plan**

To be eligible for the extension of COAH's December 31, 2008 deadline, the MOU between COAH and the Highlands Council specifies that municipalities must submit a duly adopted Notice of Intent to petition in accordance with the Highlands Council's Plan Conformance Guidelines and a duly adopted resolution notifying COAH of its intent to petition COAH no later than December 8, 2009. Both of these documents must be submitted to COAH no later than noon on December 31, 2008. Model resolutions for municipalities to adopt and submit are available at each agency's website as follows:

New Jersey Highlands Council:

[www.highlands.state.nj.us/njhighlands/implementation/plan](http://www.highlands.state.nj.us/njhighlands/implementation/plan)

New Jersey Council on Affordable Housing:

[www.nj.gov/dca/affiliates/coah/regulations/highlands/coahresolution.doc](http://www.nj.gov/dca/affiliates/coah/regulations/highlands/coahresolution.doc)

COAH and the Highlands Council are confident that the extension of time offered through this process will provide Highlands municipalities with the valuable time needed to conduct a thorough planning process that balances the goal of protecting and enhancing the significant value of the resources of the Highlands Region

with the Region's affordable housing needs. Executive Order 114 provides that COAH and the Highlands Council support development and redevelopment in the region pursuant to the Highlands Plan while maximizing affordable housing opportunities and preserving critical environmental resources.

### **Scarce Resource Restraint**

Executive Order 114 also requires that there be a preservation of scarce land, water, and sewer resources and that these resources be dedicated on a priority basis for the production of affordable housing consistent with the Highlands Plan. The order gives priority to the protection of the critical water resources in the Highlands Region and requires a priority review for proposed affordable housing projects.

In keeping with Executive Order 114 and the MOU, the November 12, 2008 resolution adopted by COAH also imposes a scarce resource restraint on Highlands municipalities under COAH's jurisdiction. This scarce resource restraint is initially in effect in all Highlands municipalities under COAH's jurisdiction, regardless of whether they seek an extension of time to submit a fair share plan to COAH. The scope of this scarce resource restraint applies to municipal actions associated with development approvals, water allocation and wastewater allocation but does not apply to single-family or duplex units on existing lots, any residential development that includes at least a 20 percent set-aside on-site for affordable housing or any activity that is formally determined to be exempt from the Highlands Act or is formally determined to be eligible for a waiver under the Highlands Act. COAH will be working with other agencies, including the Highlands Council and the New Jersey Department of Environmental Protection, to coordinate the application of the scarce resource restraint.

The scarce resource restraint will remain in effect either until the municipality receives substantive certification from COAH or if a municipality demonstrates to COAH that appropriate measures have been taken to preserve scarce land, water, and sewer resources and that these resources have been dedicated on a priority basis for the production of affordable housing, whichever is earlier.

Municipalities may demonstrate to COAH at the time of petition that they have taken measures to preserve scarce land, water, and sewer resources. COAH will review the information submitted with municipalities' third round housing elements and fair share plans and determine whether it is appropriate to lift the restraint upon a finding that the plan is complete. COAH anticipates reviewing plans for completeness within 45 days of plan submission. There may also be other circumstances that warrant lifting the restraint either at a municipal or site specific level and COAH will act expeditiously to review such requests.

Please do not hesitate to contact Gina Fischetti, COAH Deputy Counsel, at (609) 633-6186 or [gfischetti@dca.state.nj.us](mailto:gfischetti@dca.state.nj.us) for further assistance.

Sincerely,

A handwritten signature in black ink that reads "Lucy L. Vandenberg". The signature is written in a cursive, flowing style.

Lucy Vandenberg, PP, AICP  
Executive Director

cc: Municipal Planner  
Municipal Attorney  
COAH Special Counsel  
COAH Consultant Planner  
Municipal Housing Liaison